

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DATA ENGINE TECHNOLOGIES LLC,

Plaintiff,

V.

GOOGLE INC.,

Defendant.

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C.A. No. 14-1115-LPS-CJB

JURY TRIAL DEMANDED

REDACTED
PUBLIC VERSION

DECLARATION OF JONATHAN K. WALDROP

I, Jonathan K. Waldrop, declare:

1. I am a partner with the law firm of Kasowitz, Benson, Torres & Friedman LLP and the attorney-in-charge for defendant Google Inc. (“Google”) in this lawsuit. I have direct and personal knowledge of the facts stated in this declaration and, if called as a witness, could and would truthfully testify thereto. I make this declaration in support of Google’s Reply To Data Engine Technologies (“DET”)’s Response to Google’s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1), Or, In The Alternative, To Join Borland Software Corporation (“Borland”) and Acacia Research Group LLC (“Acacia”) Pursuant To Federal Rule of Civil Procedure 19 (“Motion”).¹

2. On August 8, 2016, DET filed and served its opposition to Google's Motion.

¹ Unless defined herein, capitalized terms shall have the same meaning ascribed to them in Google's opening brief ("Op. Br.") filed on July 8, 2016 (D.I. 225).

[REDACTED]

[REDACTED]

3. On August 11, 2016, counsel for Google and counsel for DET, in good-faith, met and conferred concerning DET's opposition to the Motion.

4. During that meet-and-confer, counsel for Google asked counsel for DET [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Google also sought DET's agreement that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Google also sought confirmation from DET as to whether [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. Google further sought agreement that Google [REDACTED]

[REDACTED]

[REDACTED]

8. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the March 4, 2016 Hearing Transcript.

9. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the deposition of Holly Hernandez in her capacity as Acacia's corporate representative, dated June 23, 2016.

10. Attached hereto as **Exhibit 28** is a true and correct copy of the email from Darcy L. Jones to DET's counsel, dated August 18, 2016.

11. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from the deposition of Evan Williams in his capacity as Borland's corporate representative, dated April 6, 2016.

12. Attached hereto as **Exhibit 30** is a true and correct copy of an email from Jamie Aycock to Google's counsel, dated August 18, 2016.

13. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from the deposition of Holly Hernandez in her capacity as Data Engine's corporate representative, dated April 26, 2016.

14. Attached hereto as **Exhibit 32** is a true and correct copy of the webpage available at <http://www.delawareco.org/micro-focus-us-inc>, as retrieved on August 24, 2016.

15. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts from the June 21, 2016 Hearing Transcript.

16. Attached here as **Exhibit 34** is a true and correct copy of an email from Darcy L. Jones to DET's counsel, dated August 25, 2016.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of August, 2016 in Redwood Shores, California.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants, and have sent true and correct copies to the following as indicated:

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